

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:16CR00298-001D

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	MOTION TO CHANGE
TREYTON LEE THOMAS,	)	NAME OF RESTITUTION PAYEE
fka Tracy Lee Thomas,	)	
aka Trayton Thomas,	)	
aka T.L. Thomas,	)	
aka Lee Thomas,	)	
aka Erick Stratton,	)	
	)	
Defendant.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, pursuant to 18 U.S.C. § 3663(a)(2), respectfully moves this Court to change the name of a restitution payee from William Stone to Patricia Louise Stone and William Wesley Stone as residuary beneficiaries under his Last Will and Testament and for an order directing the United States District Court Clerk to distribute any funds collected on the criminal debt to the new payees. In support of this motion, the United States shows unto the Court the following:

1. On August 29, 2019 a criminal judgment was entered against Defendant, Treyton Lee Thomas, ordering him to pay William Stone \$513,169.48 in

victim restitution. See D.E. 154 at 6. As of the date of the filing of this motion, no payments have been made toward this restitution order.

2. William Stone died on July 9, 2018. See Exhibit A (“Death Certificate”). Pursuant to the Last Will and Testament of William Stone, William Wesley Stone, was appointed the Executor of William Stone’s estate. See Exhibits B (“Letters Testamentary”), and Patricia Louise Stone and William Wesley Stone were named as the residuary beneficiaries of William Stone’s estate. See Exhibit C (“Last Will and Testament and Codicil”) and Exhibit D (“Affidavit of Estate Attorney”).

3. 18 U.S.C. § 3663(b)(2) provides, in pertinent part, “In the case of a victim who is . . . deceased, the . . . representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, may assume the victim’s rights under this section . . . .” Id.

4. As Patricia Louise Stone and William Wesley Stone are the residuary beneficiaries of William Stone’s estate, they should assume William Stone’s estate rights to the victim restitution collected in this matter. See, e.g., United States v. Bradford, 2009 WL 2432730 at \*1 (E.D. Ark. 2009) (holding victim’s estate or any person appointed suitable by the Court may assume a victim’s right to restitution).

WHEREFORE, the United States respectfully moves this Court to change the name of the restitution payee from William Stone to Patricia Louise Stone (50%) and William Wesley Stone (50%), and for an order directing the United States District Court Clerk to distribute any funds collected on the criminal debt to the new payees. A proposed order is submitted herewith.

Respectfully submitted, this 24<sup>th</sup> day of September, 2020.

ROBERT J. HIGDON, JR.  
United States Attorney

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served this 24<sup>th</sup> day of September, 2020, upon the below listed parties either electronically and/or by placing a copy in the U.S. mail addressed as follows:

Treyton Lee Thomas #21592-084  
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